

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Ellis McDonald Green

Docket No. 5:08-CR-123-1FL

Petition for Action on Supervised Release

COMES NOW Linwood E. King, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ellis McDonald Green, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on January 8, 2009, to the custody of the Bureau of Prisons for a term of 141 months. On November 1, 2016, as a result of a 2255 Motion, his term of imprisonment was reduced to time served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Ellis McDonald Green was released from custody on November 1, 2016, at which time the term of supervised release commenced.

On November 15, 2016, the court was notified of the defendant testing positive for the use of cocaine. He was continued under supervision and exposed to substance abuse treatment.

On January 24, 2017, the court was notified of the defendant testing positive for the use of cocaine. He was continued under supervision and ordered to participate in 30 days of Electronic Monitoring.

On June 19, 2017, a Motion for Revocation filed with the court after the defendant again tested positive for the use of cocaine and failed to submit scheduled urinalysis tests.

On November 5, 2017, the defendant's term of supervised release was revoked. The court sentenced Green to 8 months imprisonment followed by 12 months of supervised release.

On March 30, 2018, the defendant was released from custody, at which time his second term of supervised release commenced.

On August 24, 2018, the court was notified of the defendant testing positive for the use of cocaine. He was continued under supervision and exposed to substance abuse treatment. The court modified his conditions of release to include 30 days of curfew via electronic monitoring.

On December 14, 2018, the court was notified of the defendant testing positive for the use of cocaine. He was continued under supervision and exposed to substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 3, 2019, Green submitted a urinalysis test which again confirmed positive for the presence of cocaine. Green has been directed to continue substance abuse treatment at Daymark Services, Henderson, North Carolina, in both group and individual counseling sessions. Furthermore, he was encouraged to consider in-patient treatment options in light of the severity of substance use. To address this continued non-compliant behavior, and in an effort to deter future illegal drug use, we are recommending that the defendant complete the remainder of his term of supervised release under Home Detention Program via electronic monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for the remainder of his term of supervised release (termination date of March 29, 2019). The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

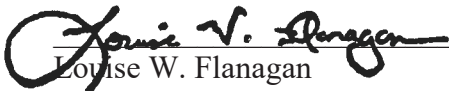
I declare under penalty of perjury that the foregoing
is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8682
Executed On: January 15, 2019

ORDER OF THE COURT

Considered and ordered this 16th day of January, 2019, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge